

## **PROPOSED SUBSTITUTE BILL MEMORANDUM**

To: Members of the Community and Economic Development Committee

From: Cassie Jones, Counsel, Community and Economic Development Committee

Re: **Proposed Substitute HB 1673 (H-2147.1/22)**  
Sponsored by Representative Ryu

Date: January 14, 2022

---

### **A brief summary of HB 1673:**

- Modifies certain application and public notice requirements for the Public Works Board's grant and loan program (Broadband Program).
- Eliminates a Broadband Program requirement for a Utilities and Transportation consultation and technical feasibility study.
- Allows the Public Works Board (PWB) to make low-interest or interest-free loans or grants for emergency public works broadband projects.
- Exempts from public disclosure financial and commercial information and records supplied by businesses or individuals during the application for Broadband Program loans or program services.

### **The proposed substitute (H-2147.1/22) makes the following changes to HB 1673:**

- Creates a pre-application process for the Broadband Program that requires an applicant to provide the following information to the PWB:
  - The location and description of the project;
  - Evidence regarding the unserved nature of the community in which the project is to be located;
  - Evidence that proposed infrastructure will be capable of scaling to greater download and upload speeds;
  - The number of households passed that will gain access to broadband service as a result of the project or whose broadband service will be upgraded as a result of the project;
  - Evidence that before submission of the application, the applicant contacted, in writing, all entities providing broadband service near the proposed project area to ask each broadband service provider's plan to upgrade broadband service in the project area;
  - The proposed geographic broadband service area and the proposed broadband speeds;
  - Evidence of community support for the project; and
  - Any additional information requested by the board.

- Adds to the application process a requirement that applicants provide documentation describing the outcome of the existing broadband service providers' written responses to the inquiry regarding their plans to upgrade broadband service made prior to or during the application process.
- Requires the PWB to publish on its website for at least 30 days the proposed geographic broadband service area and speeds for each proposed project submitted during the pre-application period, rather than publishing that information for each application submitted.
- Adds a requirement that the PWB publish pre-applications on its website within three businesses days of the close of the pre-application cycle and set an objection period for at least 30 days.
- Removes the requirement that an existing broadband service provider submit an objection within 30 days of publication of an application.
- Requires the PWB, when making loans or grants for emergency public works broadband projects, to consider prioritizing broadband infrastructure projects that replace existing infrastructure impacted by an emergency.
- Add language specifying that emergency public works broadband projects include projects made necessary by a natural disaster.

1 AN ACT Relating to broadband infrastructure loans and grants made  
2 by the public works board; and amending RCW 43.155.160 and 42.56.270.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 43.155.160 and 2021 c 332 s 7040 are each amended to  
5 read as follows:

6 (1) The board, in collaboration with the office, shall establish  
7 a competitive grant and loan program to award funding to eligible  
8 applicants in order to promote the expansion of access to broadband  
9 service in unserved areas of the state.

10 (2)(a) Grants and loans may be awarded under this section to  
11 assist in funding acquisition, installation, and construction of  
12 middle mile and last mile infrastructure that supports broadband  
13 services and to assist in funding strategic planning for deploying  
14 broadband service in unserved areas.

15 (b) The board may choose to fund all or part of an application  
16 for funding, provided that the application meets the requirements of  
17 subsection (~~(+9)~~) (11) of this section.

18 (3) Eligible applicants for grants and loans awarded under this  
19 section include:

20 (a) Local governments;

21 (b) Tribes;

- 1 (c) Nonprofit organizations;
- 2 (d) Cooperative associations;
- 3 (e) Multiparty entities comprised of public entity members;
- 4 (f) Limited liability corporations organized for the purpose of
- 5 expanding broadband access; and
- 6 (g) Incorporated businesses or partnerships.

7 (4) (a) The board shall develop administrative procedures  
8 governing the ~~((application))~~ preapplication and award process. The  
9 board shall act as fiscal agent for the program and is responsible  
10 for receiving and reviewing applications and awarding funds under  
11 this section.

12 (b) At least sixty days prior to the first day ~~((applications))~~  
13 preapplications may be submitted each fiscal year, the board must  
14 publish on its website the specific criteria and any quantitative  
15 weighting scheme or scoring system that the board will use to  
16 evaluate or rank applications and award funding.

17 (c) The board may maintain separate accounting in the statewide  
18 broadband account created in RCW 43.155.165 as the board deems  
19 necessary to carry out the purposes of this section.

20 (d) The board must provide a method for the allocation of loans,  
21 grants, provision of technical assistance, and interest rates under  
22 this section.

23 (5) An applicant for a grant or loan under this section must  
24 provide the following information on the ~~((application))~~  
25 preapplication:

26 (a) The location and description of the project;

27 (b) Evidence regarding the unserved nature of the community in  
28 which the project is to be located;

29 (c) Evidence that proposed infrastructure will be capable of  
30 scaling to greater download and upload speeds;

31 (d) The number of households passed that will gain access to  
32 broadband service as a result of the project or whose broadband  
33 service will be upgraded as a result of the project;

34 ~~((The estimated cost of retail services to end users  
35 facilitated by a project;~~

36 ~~(f) The proposed actual download and upload speeds experienced by  
37 end users;~~

38 ~~(g) Evidence of significant community institutions that will  
39 benefit from the proposed project;~~

1 ~~(h) Anticipated economic, educational, health care, or public~~  
2 ~~safety benefits created by the project;~~

3 ~~(i) Evidence of community support for the project;~~

4 ~~(j) If available, a description of the applicant's user adoption~~  
5 ~~assistance program and efforts to promote the use of newly available~~  
6 ~~broadband services created by the project;~~

7 ~~(k) The estimated total cost of the project;~~

8 ~~(l) Other sources of funding for the project that will supplement~~  
9 ~~any grant or loan award;~~

10 ~~(m) A demonstration of the project's long-term sustainability,~~  
11 ~~including the applicant's financial soundness, organizational~~  
12 ~~capacity, and technical expertise;~~

13 ~~(n) A strategic plan to maintain long-term operation of the~~  
14 ~~infrastructure;~~

15 ~~(o)) Evidence that ((no later than six weeks)) before submission~~  
16 ~~of the application, the applicant contacted, in writing, all entities~~  
17 ~~providing broadband service near the proposed project area to ask~~  
18 ~~each broadband service provider's plan to upgrade broadband service~~  
19 ~~in the project area to speeds that meet or exceed the state's~~  
20 ~~definition for broadband service as defined in RCW 43.330.530, within~~  
21 ~~the time frame specified in the proposed grant or loan activities;~~

22 ~~((p)) (f) If applicable, the broadband service providers'~~  
23 ~~written responses to the inquiry made under ((o)) (e) of this~~  
24 ~~subsection; ((and~~

25 ~~(q)) (g) The proposed geographic broadband service area and the~~  
26 ~~proposed broadband speeds in the form and manner prescribed by the~~  
27 ~~board;~~

28 ~~(h) Evidence of community support for the project; and~~

29 ~~(i) Any additional information requested by the board.~~

30 ~~(6) An applicant for a grant or loan under this section must~~  
31 ~~provide the following information on the application:~~

32 ~~(a) ((Within thirty days of the close of the grant and loan~~  
33 ~~application process, the)) The final location and description of the~~  
34 ~~project;~~

35 ~~(b) Evidence that the proposed infrastructure will be capable of~~  
36 ~~scaling to greater download and upload speeds;~~

37 ~~(c) The number of households passed that will gain access to~~  
38 ~~broadband service as a result of the project or whose broadband~~  
39 ~~service will be upgraded as a result of the project;~~

1 (d) The estimated cost of retail services to end users  
2 facilitated by a project;

3 (e) The proposed actual download and upload speeds experienced by  
4 end users;

5 (f) Evidence of significant community institutions that will  
6 benefit from the proposed project;

7 (g) Anticipated economic, educational, health care, or public  
8 safety benefits created by the project;

9 (h) If available, a description of the applicant's user adoption  
10 assistance program and efforts to promote the use of newly available  
11 broadband services created by the project;

12 (i) The estimated total cost of the project;

13 (j) Other sources of funding for the project that will supplement  
14 any grant or loan award;

15 (k) A demonstration of the project's long-term sustainability,  
16 including the applicant's financial soundness, organizational  
17 capacity, and technical expertise;

18 (l) A strategic plan to maintain long-term operation of the  
19 infrastructure;

20 (m) If applicable, documentation describing the outcome of the  
21 broadband service providers' written responses to the inquiry made  
22 prior to or during the preapplication phase; and

23 (n) Any additional information requested by the board.

24 (7)(a) The board shall publish on its website for at least 30  
25 days the proposed geographic broadband service area and the proposed  
26 broadband speeds for each ((application)) proposed broadband project  
27 submitted in the preapplication period.

28 (b) The board shall, within three business days following the  
29 close of the preapplication cycle, publish on its website  
30 preapplications as described in subsection (5) of this section.

31 (c) The board shall set an objection period of at least 30 days.

32 ~~((b))~~ (8)(a) Any existing broadband service provider near the  
33 proposed project area may~~((, within thirty days of publication of the~~  
34 ~~information under (a) of this subsection,))~~ submit in writing to the  
35 board an objection to ((an application)) a proposed broadband  
36 project. An objection must contain information demonstrating that:

37 (i) The project would result in overbuild, meaning that the  
38 objecting provider currently provides, or has begun construction to  
39 provide, broadband service to end users in the proposed project area

1 at speeds equal to or greater than the state speed goals contained in  
2 RCW 43.330.536; or

3 (ii) The objecting provider commits to complete construction of  
4 broadband infrastructure and provide broadband service to end users  
5 in the proposed project area at speeds equal to or greater than the  
6 state speed goals contained in RCW 43.330.536, no later than twenty-  
7 four months after the date awards are made under this section for the  
8 grant and loan cycle under which the (~~(application)~~) preapplication  
9 was submitted.

10 (~~(e)~~) (b) Objections submitted to the board under this  
11 subsection must be certified by affidavit.

12 (~~(d)~~) (c) The board may evaluate the information submitted  
13 under this section by the objecting provider and must consider it in  
14 making a determination on the (~~(application)~~) proposed broadband  
15 project objected to. The board may request clarification or  
16 additional information. The board may choose to not fund a project if  
17 the board determines that the objecting provider's commitment to  
18 provide broadband service that meets the requirements of (~~(b)~~) (a)  
19 of this subsection in the proposed project area is credible. In  
20 assessing the commitment, the board may consider whether the  
21 objecting provider has or will provide a bond, letter of credit, or  
22 other indicia of financial commitment guaranteeing the project's  
23 completion.

24 (~~(e)~~) (d) If the board denies funding to an applicant as a  
25 result of a broadband service provider's objection made under this  
26 section, and the broadband service provider does not fulfill its  
27 commitment to provide broadband service in the project area, then for  
28 the following two grant and loan cycles, the board is prohibited from  
29 denying funding to an applicant on the basis of a challenge by the  
30 same broadband service provider, unless the board determines that the  
31 broadband service provider's failure to fulfill the provider's  
32 commitment was the result of factors beyond the broadband service  
33 provider's control. The board is not prohibited from denying funding  
34 to an applicant for reasons other than an objection by the same  
35 broadband service provider.

36 (~~(f)~~) (e) An applicant or broadband service provider that  
37 objected to the application may request a debriefing conference  
38 regarding the board's decision on the application. Requests for  
39 debriefing must be coordinated by the office and must be submitted in  
40 writing in accordance with procedures specified by the office.

1       (~~(g)~~) (f) Confidential business and financial information  
2 submitted by an objecting provider under this subsection is exempt  
3 from disclosure under chapter 42.56 RCW.

4       (~~(7)~~) (9)(a) In evaluating applications and awarding funds, the  
5 board shall give priority to applications that are constructed in  
6 areas identified as unserved.

7       (b) In evaluating applications and awarding funds, the board may  
8 give priority to applications that:

9       (i) Provide assistance to public-private partnerships deploying  
10 broadband infrastructure from areas currently served with broadband  
11 service to areas currently lacking access to broadband services;

12       (ii) Demonstrate project readiness to proceed;

13       (iii) Construct infrastructure that is open access, meaning that  
14 during the useful life of the infrastructure, service providers may  
15 use network services and facilities at rates, terms, and conditions  
16 that are not discriminatory or preferential between providers, and  
17 employing accountable interconnection arrangements published and  
18 available publicly;

19       (iv) Are submitted by tribal governments whose reservations are  
20 in rural and remote areas where reliable and efficient broadband  
21 services are unavailable to many or most residents;

22       (v) Bring broadband service to tribal lands, particularly to  
23 rural and remote tribal lands or areas servicing rural and remote  
24 tribal entities;

25       (vi) Are submitted by tribal governments in rural and remote  
26 areas that have spent significant amounts of tribal funds to address  
27 the problem but cannot provide necessary broadband services without  
28 either additional state support, additional federal support, or both;

29       (vii) Serve economically distressed areas of the state as the  
30 term "distressed area" is defined in RCW 43.168.020;

31       (viii) Offer new or substantially upgraded broadband service to  
32 important community anchor institutions including, but not limited  
33 to, libraries, educational institutions, public safety facilities,  
34 and health care facilities;

35       (ix) Facilitate the use of telemedicine and electronic health  
36 records, especially in deliverance of behavioral health services and  
37 services to veterans;

38       (x) Provide technical support and train residents, businesses,  
39 and institutions in the community served by the project to utilize  
40 broadband service;



1 (xi) Include a component to actively promote the adoption of  
2 newly available broadband services in the community;

3 (xii) Provide evidence of strong support for the project from  
4 citizens, government, businesses, and community institutions;

5 (xiii) Provide access to broadband service to a greater number of  
6 unserved households and businesses, including farms;

7 (xiv) Utilize equipment and technology demonstrating greater  
8 longevity of service;

9 (xv) Seek the lowest amount of state investment per new location  
10 served and leverage greater amounts of funding for the project from  
11 other private and public sources;

12 (xvi) Include evidence of a customer service plan;

13 (xvii) Consider leveraging existing broadband infrastructure and  
14 other unique solutions;

15 (xviii) Benefit public safety and fire preparedness; or

16 (xix) Demonstrate other priorities as the board, in collaboration  
17 with the office, may prescribe by rule.

18 (c) The board shall endeavor to award funds under this section to  
19 qualified applicants in all regions of the state.

20 (d) The board shall consider affordability and quality of service  
21 to end users in making a determination on any application.

22 (e) The board, in collaboration with the office, may develop  
23 additional rules for eligibility, project preapplications, project  
24 applications, the associated objection process, and funding priority,  
25 as provided under this subsection and subsections (3), (5), ~~((and))~~  
26 (6), (7), and (8) of this section.

27 (f) The board, in collaboration with the office, may adopt rules  
28 for a voluntary nonbinding mediation between incumbent providers and  
29 applicants to the grant and loan program created in this section.

30 ~~((+8))~~ (10) To ensure a grant or loan to a private entity under  
31 this section primarily serves the public interest and benefits the  
32 public, any such grant or loan must be conditioned on a guarantee  
33 that the asset or infrastructure to be developed will be maintained  
34 for public use for a period of at least fifteen years.

35 ~~((+9))~~ (11)(a) No funds awarded under this section may fund more  
36 than fifty percent of the total cost of the project, except as  
37 provided in (b) of this subsection.

38 (b) The board may choose to fund up to ninety percent of the  
39 total cost of a project in financially distressed areas as the term  
40 "distressed area" is defined in RCW 43.168.020, and in areas

1 identified as Indian country as the term "Indian country" is defined  
2 in WAC 458-20-192.

3 (c) Funds awarded to a single project under this section must not  
4 exceed two million dollars, except that the board may choose to fund  
5 projects qualifying for the exception in (b) of this subsection up  
6 to, but not to exceed, five million dollars.

7 ~~((10) Except for during the 2021-2023 fiscal biennium, prior to~~  
8 ~~awarding funds under this section, the board must consult with the~~  
9 ~~Washington utilities and transportation commission. The commission~~  
10 ~~must provide to the board an assessment of the technical feasibility~~  
11 ~~of a proposed application. The board must consider the commission's~~  
12 ~~assessment as part of its evaluation of a proposed application.~~

13 ~~((11))~~ (12) The board shall have such rights of recovery in the  
14 event of default in payment or other breach of financing agreement as  
15 may be provided in the agreement or otherwise by law.

16 ~~((12))~~ (13) The community economic revitalization board shall  
17 facilitate the timely transmission of information and documents from  
18 its broadband program to the board in order to effectuate an orderly  
19 transition.

20 ~~((13))~~ (14) (a) Subject to rules promulgated by the board, the  
21 board may make low-interest or interest-free loans or grants to  
22 eligible applicants for emergency public works broadband projects.  
23 While developing rules, the board shall consider prioritizing  
24 broadband infrastructure projects that replace existing  
25 infrastructure impacted by an emergency, as described in (b) of this  
26 subsection.

27 (b) Emergency public works broadband projects include  
28 construction, repair, reconstruction, replacement, rehabilitation, or  
29 improvement to critical broadband infrastructure that has been made  
30 necessary by a natural disaster or damaged by unforeseen events. The  
31 loans or grants may be used to help fund all or part of an emergency  
32 public works broadband infrastructure project less any reimbursement  
33 from any of the following sources: (i) Federal disaster or emergency  
34 funds, including funds from the federal emergency management agency;  
35 (ii) state disaster or emergency funds; (iii) insurance settlements;  
36 and (iv) litigation.

37 (c) Eligible applicants for grants and loans awarded under this  
38 subsection are the same as those described in subsection (3) of this  
39 section.

1       (15) The definitions in RCW 43.330.530 apply throughout this  
2 section unless the context clearly requires otherwise.

3       (16) For purposes of this section, a "proposed broadband project"  
4 means a project that has been submitted as a preapplication to the  
5 public works board.

6       **Sec. 2.** RCW 42.56.270 and 2021 c 308 s 4 are each amended to  
7 read as follows:

8       The following financial, commercial, and proprietary information  
9 is exempt from disclosure under this chapter:

10       (1) Valuable formulae, designs, drawings, computer source code or  
11 object code, and research data obtained by any agency within five  
12 years of the request for disclosure when disclosure would produce  
13 private gain and public loss;

14       (2) Financial information supplied by or on behalf of a person,  
15 firm, or corporation for the purpose of qualifying to submit a bid or  
16 proposal for (a) a ferry system construction or repair contract as  
17 required by RCW 47.60.680 through 47.60.750; (b) highway construction  
18 or improvement as required by RCW 47.28.070; or (c) alternative  
19 public works contracting procedures as required by RCW 39.10.200  
20 through 39.10.905;

21       (3) Financial and commercial information and records supplied by  
22 private persons pertaining to export services provided under chapters  
23 43.163 and 53.31 RCW, and by persons pertaining to export projects  
24 under RCW 43.23.035;

25       (4) Financial and commercial information and records supplied by  
26 businesses or individuals during application for loans or program  
27 services provided by chapters 43.325, 43.163, 43.160, 43.330, and  
28 43.168 RCW and RCW 43.155.160, or during application for economic  
29 development loans or program services provided by any local agency;

30       (5) Financial information, business plans, examination reports,  
31 and any information produced or obtained in evaluating or examining a  
32 business and industrial development corporation organized or seeking  
33 certification under chapter 31.24 RCW;

34       (6) Financial and commercial information supplied to the state  
35 investment board by any person when the information relates to the  
36 investment of public trust or retirement funds and when disclosure  
37 would result in loss to such funds or in private loss to the  
38 providers of this information;

39       (7) Financial and valuable trade information under RCW 51.36.120;

1 (8) Financial, commercial, operations, and technical and research  
2 information and data submitted to or obtained by the clean Washington  
3 center in applications for, or delivery of, program services under  
4 chapter 70.95H RCW;

5 (9) Financial and commercial information requested by the public  
6 stadium authority from any person or organization that leases or uses  
7 the stadium and exhibition center as defined in RCW 36.102.010;

8 (10)(a) Financial information, including but not limited to  
9 account numbers and values, and other identification numbers supplied  
10 by or on behalf of a person, firm, corporation, limited liability  
11 company, partnership, or other entity related to an application for a  
12 horse racing license submitted pursuant to RCW 67.16.260(1)(b),  
13 marijuana producer, processor, or retailer license, liquor license,  
14 gambling license, or lottery retail license;

15 (b) Internal control documents, independent auditors' reports and  
16 financial statements, and supporting documents: (i) Of house-banked  
17 social card game licensees required by the gambling commission  
18 pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted  
19 by tribes with an approved tribal/state compact for class III gaming;

20 (c) Valuable formulae or financial or proprietary commercial  
21 information records received during a consultative visit or while  
22 providing consultative services to a licensed marijuana business in  
23 accordance with RCW 69.50.561;

24 (11) Proprietary data, trade secrets, or other information that  
25 relates to: (a) A vendor's unique methods of conducting business; (b)  
26 data unique to the product or services of the vendor; or (c)  
27 determining prices or rates to be charged for services, submitted by  
28 any vendor to the department of social and health services or the  
29 health care authority for purposes of the development, acquisition,  
30 or implementation of state purchased health care as defined in RCW  
31 41.05.011;

32 (12)(a) When supplied to and in the records of the department of  
33 commerce:

34 (i) Financial and proprietary information collected from any  
35 person and provided to the department of commerce pursuant to RCW  
36 43.330.050(8);

37 (ii) Financial or proprietary information collected from any  
38 person and provided to the department of commerce or the office of  
39 the governor in connection with the siting, recruitment, expansion,  
40 retention, or relocation of that person's business and until a siting

1 decision is made, identifying information of any person supplying  
2 information under this subsection and the locations being considered  
3 for siting, relocation, or expansion of a business; and

4 (iii) Financial or proprietary information collected from any  
5 person and provided to the department of commerce pursuant to RCW  
6 43.31.625 (3) (b) and (4);

7 (b) When developed by the department of commerce based on  
8 information as described in (a) (i) of this subsection, any work  
9 product is not exempt from disclosure;

10 (c) For the purposes of this subsection, "siting decision" means  
11 the decision to acquire or not to acquire a site;

12 (d) If there is no written contact for a period of sixty days to  
13 the department of commerce from a person connected with siting,  
14 recruitment, expansion, retention, or relocation of that person's  
15 business, information described in (a) (ii) of this subsection will be  
16 available to the public under this chapter;

17 (13) Financial and proprietary information submitted to or  
18 obtained by the department of ecology or the authority created under  
19 chapter 70A.500 RCW to implement chapter 70A.500 RCW;

20 (14) Financial, commercial, operations, and technical and  
21 research information and data submitted to or obtained by the life  
22 sciences discovery fund authority in applications for, or delivery  
23 of, grants under RCW 43.330.502, to the extent that such information,  
24 if revealed, would reasonably be expected to result in private loss  
25 to the providers of this information;

26 (15) Financial and commercial information provided as evidence to  
27 the department of licensing as required by RCW 19.112.110 or  
28 19.112.120, except information disclosed in aggregate form that does  
29 not permit the identification of information related to individual  
30 fuel licensees;

31 (16) Any production records, mineral assessments, and trade  
32 secrets submitted by a permit holder, mine operator, or landowner to  
33 the department of natural resources under RCW 78.44.085;

34 (17) (a) Farm plans developed by conservation districts, unless  
35 permission to release the farm plan is granted by the landowner or  
36 operator who requested the plan, or the farm plan is used for the  
37 application or issuance of a permit;

38 (b) Farm plans developed under chapter 90.48 RCW and not under  
39 the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject  
40 to RCW 42.56.610 and 90.64.190;

1 (18) Financial, commercial, operations, and technical and  
2 research information and data submitted to or obtained by a health  
3 sciences and services authority in applications for, or delivery of,  
4 grants under RCW 35.104.010 through 35.104.060, to the extent that  
5 such information, if revealed, would reasonably be expected to result  
6 in private loss to providers of this information;

7 (19) Information gathered under chapter 19.85 RCW or RCW  
8 34.05.328 that can be identified to a particular business;

9 (20) Financial and commercial information submitted to or  
10 obtained by the University of Washington, other than information the  
11 university is required to disclose under RCW 28B.20.150, when the  
12 information relates to investments in private funds, to the extent  
13 that such information, if revealed, would reasonably be expected to  
14 result in loss to the University of Washington consolidated endowment  
15 fund or to result in private loss to the providers of this  
16 information;

17 (21) Market share data submitted by a manufacturer under RCW  
18 70A.500.190(4);

19 (22) Financial information supplied to the department of  
20 financial institutions, when filed by or on behalf of an issuer of  
21 securities for the purpose of obtaining the exemption from state  
22 securities registration for small securities offerings provided under  
23 RCW 21.20.880 or when filed by or on behalf of an investor for the  
24 purpose of purchasing such securities;

25 (23) Unaggregated or individual notices of a transfer of crude  
26 oil that is financial, proprietary, or commercial information,  
27 submitted to the department of ecology pursuant to RCW  
28 90.56.565(1)(a), and that is in the possession of the department of  
29 ecology or any entity with which the department of ecology has shared  
30 the notice pursuant to RCW 90.56.565;

31 (24) Financial institution and retirement account information,  
32 and building security plan information, supplied to the liquor and  
33 cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and  
34 69.50.345, when filed by or on behalf of a licensee or prospective  
35 licensee for the purpose of obtaining, maintaining, or renewing a  
36 license to produce, process, transport, or sell marijuana as allowed  
37 under chapter 69.50 RCW;

38 (25) Marijuana transport information, vehicle and driver  
39 identification data, and account numbers or unique access identifiers  
40 issued to private entities for traceability system access, submitted

1 by an individual or business to the liquor and cannabis board under  
2 the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and  
3 69.50.345 for the purpose of marijuana product traceability.  
4 Disclosure to local, state, and federal officials is not considered  
5 public disclosure for purposes of this section;

6 (26) Financial and commercial information submitted to or  
7 obtained by the retirement board of any city that is responsible for  
8 the management of an employees' retirement system pursuant to the  
9 authority of chapter 35.39 RCW, when the information relates to  
10 investments in private funds, to the extent that such information, if  
11 revealed, would reasonably be expected to result in loss to the  
12 retirement fund or to result in private loss to the providers of this  
13 information except that (a) the names and commitment amounts of the  
14 private funds in which retirement funds are invested and (b) the  
15 aggregate quarterly performance results for a retirement fund's  
16 portfolio of investments in such funds are subject to disclosure;

17 (27) Proprietary financial, commercial, operations, and technical  
18 and research information and data submitted to or obtained by the  
19 liquor and cannabis board in applications for marijuana research  
20 licenses under RCW 69.50.372, or in reports submitted by marijuana  
21 research licensees in accordance with rules adopted by the liquor and  
22 cannabis board under RCW 69.50.372;

23 (28) Trade secrets, technology, proprietary information, and  
24 financial considerations contained in any agreements or contracts,  
25 entered into by a licensed marijuana business under RCW 69.50.395,  
26 which may be submitted to or obtained by the state liquor and  
27 cannabis board;

28 (29) Financial, commercial, operations, and technical and  
29 research information and data submitted to or obtained by the Andy  
30 Hill cancer research endowment program in applications for, or  
31 delivery of, grants under chapter 43.348 RCW, to the extent that such  
32 information, if revealed, would reasonably be expected to result in  
33 private loss to providers of this information;

34 (30) Proprietary information filed with the department of health  
35 under chapter 69.48 RCW;

36 (31) Records filed with the department of ecology under chapter  
37 70A.515 RCW that a court has determined are confidential valuable  
38 commercial information under RCW 70A.515.130; and

39 (32) Unaggregated financial, proprietary, or commercial  
40 information submitted to or obtained by the liquor and cannabis board

1 in applications for licenses under RCW 66.24.140 or 66.24.145, or in  
2 any reports or remittances submitted by a person licensed under RCW  
3 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis  
4 board under chapter 66.08 RCW.

--- **END** ---